



**FAX**

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**REMARKS:**  *Urgent*  *For your review*  *Reply ASAP*  *Please Comment*

Borough of Milltown Non Self Service Ordinance

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Ordinance #913

## AN ORDINANCE REGULATING THE SALE OF CIGARETTES IN THE BOROUGH OF MILLTOWN.

WHEREAS, the State of New Jersey has banned the sale or furnishing of cigarettes or tobacco in any form to minors pursuant to N.J.S.A. 2A:170-51; and

WHEREAS, the Mayor and Borough Council of the Borough of Milltown have had difficulty in preventing the sale of cigarettes to minors; and

WHEREAS, the Borough of Milltown is authorized to enact ordinances under its police power not contrary to the laws of this State or the United States as it may deem necessary and proper for the protection of persons and for the preservation of the public health, safety and welfare of the municipality and its inhabitants.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Milltown, County of Middlesex, State of New Jersey:

Selection One. Chapter 55, of the Borough Code is hereby established and entitled "Cigarettes".

## Section Two. Prohibition of Tobacco Sales to Minors.

- (a) It shall be unlawful to sell tobacco to a person under eighteen (18) years of age.
- (b) The following 6 inch by 8 inch (6"X8") sign shall be posted in a conspicuous place near each cash register in all retail establishments which sell tobacco products:

SALE OF TOBACCO PRODUCTS TO MINOR UNDER THE AGE OF 18 IS PROHIBITED BY LAW. Legal proof of age must be shown. A person who sells or offers to sell a tobacco product to a person under 18 years of age may be prosecuted in accordance with state and local ordinances.

## Section Three. Identification Required.

It shall be unlawful for a tobacco retailer to sell or permit to be sold tobacco to any individual without requesting and examining identification from the purchaser positively establishing the purchaser's age as eighteen (18) years or greater, unless the seller has some other conclusive basis for determining the buyer is over the age of eighteen (18) years.

## Section Four. Self Service displays prohibited.

All self-service cigarette displays are made unlawful by the terms of this ordinance and shall be removed within thirty (30) days from the effective date of this ordinance.

## Section Five. Cigarette Vending Machines.

- (a) Unattended machines prohibited. No cigarette vending machines shall be placed on any premises, public or private, within the Borough unless the owner or lessee of such a machine provides, in writing, to the Borough for each individual cigarette vending machines the names and business addresses of a person or persons who shall serve as attendant and deputy attendant for that machine. More than one (1) attendant and/or deputy attendant may be appointed in reference to a single cigarette vending machine, provided that the owner or leasee states the time periods when each of

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two (2) or more attendants and/or deputy attendants for a single cigarette vending machine shall be the attendant or deputy attendant on duty and thus responsible for compliance with this Article II.

(b) Responsibilities of attendant. The attendant and, in his stead, the deputy attendant shall be responsible for the penalties and fees which may, upon conviction, be imposed for violations of this Article II. Nothing in this chapter shall prohibit the employer of an attendant from paying penalties imposed under this Article II, but payment by the employer shall not be required.

(c) Qualifications and duties of attendant.

The attendant shall:

1. Be at least eighteen (18) years of age or more, as certified by the Borough Health Officer by birth certificate or driver's license only.
2. Be responsible for placing and maintaining the cigarette vending machine at a site not more than fifty (50) feet from his normal place of transacting business, which shall include but not be limited to a cash register, check-out counter, bar or place for the consumption or sale of liquor, desk, office, bathroom or lounge area.
3. Have a clear unobstructed line of sight between his normal place of transacting business and the location of the cigarette vending machine.
4. Be responsible to make those cigarette vending machines for which he is responsible inoperable during any time when the public has access to said machines but for any reason the attendant or deputy attendants are not available to attend the machines.
5. Be an employee or agent of the firm, corporation, partnership or entity having possessory interest, including but not limited to leaseholds, in the premises where the cigarette vending machines is located.
6. Be deemed to be in violation of this Article if he permits a person who is seventeen (17) years of age or less to purchase a produce from a cigarette vending machine.

#### Section Six. Enforcement.

Any person, firm, or corporation who shall violate any of the provisions of this chapter shall, upon conviction, be punished by a fine of not less than fifty dollars (\$50.00) not more than two hundred-fifty (\$250.00) and each violation of any of the provisions of this chapter and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

#### Section Seven.

Each clause, section, or sub-section of this ordinance shall be deemed a separate provision to the intent that if any such clause, section or sub-section shall be declared invalid, the remainder of the ordinance shall not be effected.

#### Section Eight.

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed as to the extent of such inconsistency.

Section Nine.

This Ordinance shall take effect immediately upon adoption and publication according to law.

Introduced: September 26, 1994

Adopted: October 11, 1994



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